REMARKS

REJECTIONS UNDER 35 U.S.C. § 112

The Examiner has rejected claims 1-33 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Specifically, the Examiner contends that the term "walkway pads" is a broad term that may encompass a wide range of elements and thereby rendering the claim indefinite because it is not exactly clear what structure the term "walkway pad" includes.

Reconsideration is respectfully requested. The term "walkway pads" is not of such broad nature so as to render the claim indefinite. Besides, breadth of a claim is not to be equated with indefiniteness.[1]

Moreover, the term "walkway pad" is a term well known by those skilled in the art. Indeed, the background section of the subject application sets forth the general understanding in the art:

> Because of outstanding weathering resistance and flexibility, cured EPDM based roof sheeting has rapidly gained acceptance. While this material is suitable for covering the roof and, it is capable of withstanding some traffic, it is customary to apply walkway pads, comprising rubber materials, directly onto the membrane defining a traffic pattern to areas of the roof to which travel is required. Walkway pads are known and accordingly, the present invention applies to all such pads.
>
> Walkway pads are currently applied to roofing membranes and other forms of roof covering material with the use of liquid adhesives or tape adhesives which are applied to the walkway pad in the field, prior to installing the walkway pad on the roof surface. This method involves cleaning and/or priming the walkway pad just prior to field applying the liquid or adhesive tape to pad. The field applied adhesive keeps the walkway pad in place on the roof surface, and the walkway pad serves to protect the roof system/membrane from foot traffic.

Additionally, the Examiner has been provided with numerous prior art references that explain what "walkway pads" are, and from which the Examiner should be able to glean that the term "walkway pad" is well known in the art. For example, Applicants have attached thereto a technical information sheet that has been in circulation since at least as early as 1994. This technical information sheet not only describes the technical, physical, and functional aspects of the walkway pad, but also describes the methods of its application (as known in the prior art) as well as drawings which are included on the third page. Applicants also note that a search of the United States Patent and

[1] See M.P.E.P. 2373.04; *In re Miller*, 169 U.S.P.Q. 597 (C.C.P.A. 1971)

Trademark Office webpage reveals 16 uses of the term "walkway pad" and three uses within claims. Also, the subject application has been pending with this Examiner since February 16, 2000, and parent applications have been pending before the United States Patent and Trademark Office since 1996, but only now has this Examiner decided to raise a question as to the appropriateness of the term "walkway pad."

CONCLUSION

In view of the foregoing arguments presented herein, the Applicants believe that they have properly set forth the invention and accordingly, respectfully requests the Examiner to reconsider the rejections provided in the last Office Action. A formal Notice of Allowance of claims 1-4, 6-8, 10-19, 21-24, and 27-33 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

No new claims have been added and therefore no additional fees are believed due at this time. Nonetheless, in the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 06-0925.

Respectfully submitted,

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